

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

United States of America,

Plaintiff,

V.

The Bulk Cargo Carrier Known as the "Wise Honest," Bearing International Maritime Organization Number 8905490,

Defendant-in-Rem.

Civil Case No. 1:19-cv-04210-PKC
**Verified Claim of Cynthia Warmbier and
 Frederick Warmbier, both individually
 and as personal representatives of the
 Estate of Otto Warmbier**

Pursuant to Rule G(5)(a) of the Federal Rules of Civil Procedures, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, 28 U.S.C. § 1610(c), Cynthia Warmbier (“Cindy”) and Frederick Warmbier (“Fred”) (collectively, the “Warmbiers”), both individually and as representatives of the Estate of their son Otto Warmbier, by and through their counsel, file this verified claim and assert their interest in the bulk cargo carrier that the United States seeks to forfeit in this action (as described below, the “Defendant Property”).

On May 10, 2019, the government posted a Notice of Forfeiture Action (“Notice”) online, establishing a deadline to file a claim herein of July 9, 2019. The Defendant Property identified in the Notice consists of: “[t]he bulk cargo carrier known as the ‘Wise Honest,’ bearing International Maritime Organization number 8605490; (19-FBI-003157).”

On December 24, 2018, the Warmbiers obtained a default judgment in the District Court for the District of Columbia against the Democratic People’s Republic of Korea (“North Korea”) in the amount of \$501,143,683.80. *Warmbier v. Democratic People’s Rep. of Korea*, 356 F. Supp. 3d 30, 60 (D.D.C. 2018). This judgment resulted from North Korea’s hostage taking, illegal detention, torture and extrajudicial killing of Cindy and Fred’s young son, Otto Warmbier, and the

severe mental anguish and extreme emotional distress that North Korea caused the Warmbiers to suffer as a result. As Chief Judge Beryl A. Howell noted when she granted the judgment, the Warmbiers “experienced North Korea’s brutality first-hand when North Korea seized their son to use as a pawn in that totalitarian state’s global shenanigans and face-off with the United States.” *Warmbier v. Democratic People’s Rep. of Korea*, No. 1:18cv00977 (BAH), ECF No. 25 at 2 (D.D.C. Dec. 24, 2018). On April 9, 2019, Chief Judge Howell authorized the Warmbiers to enforce their judgment against North Korea, through attachment or execution, pursuant to Sections 1610(a)-(b) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1602, *et seq.* *Warmbier*, No. 1:18cv00977 (BAH), ECF No. 32 (D.D.C. Apr. 9, 2019).

Despite receiving all required notices and service, North Korea never entered an appearance in, defended against, or engaged in any settlement discussions related to the civil action against it. Hence, the Warmbiers are left to chase down the assets of North Korea to recover what they can for the torture and death of their son at the hands of North Korea’s dictator, who with “his cronies, show[s] no regard for human life.” *Warmbier*, No. 1:18cv0977 (BAH), ECF No. 25 at 2 (internal quotation marks omitted).

For the foregoing reasons, the Warmbiers respectfully claim a right, title and interest to the Defendant Property.

Dated: July 3, 2019

Respectfully submitted,

/s/ Benjamin L. Hatch
Benjamin L. Hatch (*pro hac vice* application
pending)
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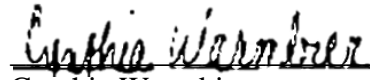
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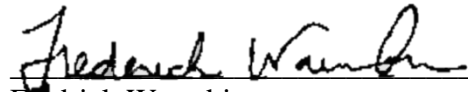
*Counsel for Cynthia and Frederick
Warmbier*

VERIFICATION

We declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury under the laws of the United States that the foregoing Verified Claim of Cynthia Warmbier and Frederick Warmbier, both individually and as personal representatives of the Estate of Otto Warmbier, is true and correct to the best of our knowledge.

Executed on July 1, 2019 at Wilmington, OHIO


Cynthia Warmbier


Fredrick Warmbier

CERTIFICATE OF SERVICE

I, Benjamin L. Hatch, certify that on July 3, 2019, I electronically filed the foregoing Verified Claim of Cynthia Warmbier and Frederick Warmbier, both individually and as personal representatives of the Estate of Otto Warmbier, using the Court's CM/ECF system and served by operation of the Court's electronic filing system and via email upon:

David William Denton, Jr.
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/s/ Benjamin L. Hatch
Benjamin L. Hatch